

### **REMARKS/ARGUMENTS**

The office action of June 4, 2003 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested.

Claims 5-6, 18-19, 23, 28 and 34-35 remain pending in this application. New claims 38-41 have been added.

Applicants note with appreciation the indication on the cover page of the action that claims 6, 19, 23 and 35 are allowed. However, these claims are not mentioned in the body of the action. Applicants assume that this omission was an oversight.

In reviewing the file, applicants have discovered that they have not received an initialed copy of page 1 of the PTO-1449 form in the Information Disclosure Statement filed with the application on February 18, 2000 making the listed references of record, although an initialed copy of page 2 of the PTO-1449 form was returned with the office action mailed September 26, 2002. In addition, U.S. patent no. 5,920,826 applied by the action to reject the claims discussed below is not of record either, although the corresponding EP application no. 0 748 139 is of record. Accordingly, applicants respectfully request the Examiner to return an initialed copy of page 1 of the PTO-1449 form submitted with the application and to make U.S. patent no. 5,920,826 of record with her next communication. Should the Examiner need another copy of page 1 of the PTO-1449 form submitted with the application, she is invited to contact the undersigned at the number listed below.

Claims 5, 18, 28 and 34 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent no. 5,428,671 to Dykes ("Dykes"). Also, claims 5, 18, 28 and 34 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. patent no. 5,920,826 to Metso et al. ("Metso"). The action inadvertently identified U.S. patent 5,920,826 as being to Heikki rather than Metso. Applicants respectfully traverse these rejections.

#### ***Section 102(b) Rejection based on Dykes***

The action alleges that Fig. 1B and the specification of Dykes shows all the features of independent claims 5, 18, 28 and 34. Specifically, the action relies on the cellular phone 22 to

show the claimed phone, and the laptop computer 10 including the modem 12 to show the data terminal including a control unit and a modem as claimed. Further, the action points to the summary of invention and col. 13, l. 4 to col. 14, line 67 to purportedly show the first and second modes and the display of status information as claimed.

Dykes however fails to teach or suggest the claim 5 invention including a first mode in which the phone controls a radio communication between the phone and the base station and a second mode in which the control unit controls the radio communication, wherein the phone comprises a transmitter configured to *transmit status information of the phone to the data terminal when the communication apparatus is operated in the first mode*, and the data terminal comprises a display configured to display the status information transmitted from the phone. Indeed, Dykes is wholly silent with respect to a mode in which the phone controls a radio communication between the phone and the base station. Instead Dykes focuses on communication operations in a landline mode or a mode in which the computer controls communication through the cellular phone. Even assuming, but not admitting, that such a first mode is inherent in Dykes, nowhere does Dykes disclose, teach or in any way suggest a transmitter configured to transmit status information of the phone to the data terminal when the phone is controlling a radio communication between the phone and the base station. Necessarily, Dykes does not provide a display configured to display the status information of the phone in the first mode. In light of the foregoing, claim 5 is patentably distinct from Dykes.

Claim 18 is directed to a phone and calls for, among other features, a status information transmitting unit configured to transmit status information of the phone to the data terminal to make the data terminal display the transmitted status information while a communication mode in which the phone controls a radio communication between the phone and the base station is set. As ostensibly discussed with respect to claim 5, Dykes is devoid of a teaching or suggestion of transmitting status information of the phone to the data terminal to make the data terminal display the transmitted status information while a communication mode in which the phone controls a radio communication between the phone and the base station is set. For at least this reason, claim 18 is patentably distinct from Dykes.

Analogous to claim 18, claim 28 is directed to a data terminal including, among other features, a status information display unit configured to cause the display of the control unit to display status information of the phone transmitted from the phone *while a communication mode in which the phone controls a radio communication between the phone and the base station is set*. Thus, for substantially the same reasons set forth with respect to claim 5, claim 28 is patentably distinguishable from Dykes.

Claim 34 is directed to a phone in a radio communication including, among other features, a transmitter configured to transmit status information of the phone to the data terminal, and a controller configured to cause the data terminal to display the transmitted status information when the radio communication system is operated in the *first mode in which the phone controls a radio communication between the phone and the base station*. For similar reasons described above, Dykes lacks a teaching or suggestion of such a controller as recited in claim 34. Hence, claim 34 is patentably distinguishable from Dykes.

***Section 102(e) Rejection based on Metso***

The action contends that Metso shows all the features of claims 5, 18, 28 and 34. Specifically, referring to Figs. 3-5 of Metso, the action relies on the mobile terminal 300 to show the claimed phone, and the personal computer 400 including the control circuitry (MCU) 504 and peripheral interface connector 312 to show the data terminal including a control unit and a modem as claimed. Further, the action alleges that the summary of invention, and Figs. 4 and 6 purportedly show the first and second modes and the display of status information as claimed. Also, the action relies on the summary of the invention and Fig. 6 to show the display of status information.

Notwithstanding, the action's contention, Metso neither teaches nor suggests the claim 5 invention including a first mode in which the phone controls a radio communication between the phone and the base station and a second mode in which the control unit controls the radio communication, wherein the phone comprises a transmitter configured to *transmit status information of the phone to the data terminal when the communication apparatus is operated in the first mode*, and the data terminal comprises a display configured to display the status

information transmitted from the phone. Indeed, Metso does not address, describe or otherwise disclose a mode in which the phone controls a radio communication between the phone and the base station. Rather Metso relates to a system in which a personal computer is used "to generate, manipulate and optionally store text messages which can be transmitted or received over the telephone network via the local mobile terminal." *Abstract*, ll. 3-6. Significantly, nowhere does Metso teach or suggest that the actions performed by the personal computer occur in a mode when the phone controls a radio communication between the phone and the base station as recited in claim 5. Consequently, Metso also does not provide a display configured to display the status information of the phone in the first mode. For at least these reasons, claim 5 is patentably distinct from Metso.

Claim 18 is directed to a phone and calls for, among other features, a status information transmitting unit configured to transmit status information of the phone to the data terminal to make the data terminal display the transmitted status information while a communication mode in which the phone controls a radio communication between the phone and the base station is set. As ostensibly discussed with respect to claim 5, Metso is devoid of a teaching or suggestion of transmitting status information of the phone to the data terminal to make the data terminal display the transmitted status information *while a communication mode in which the phone controls a radio communication between the phone and the base station is set*. For at least this reason, claim 18 is patentably distinct from Metso.

Analogous to claim 18, claim 28 is directed to a data terminal including, among other features, a status information display unit configured to cause the display of the control unit to display status information of the phone transmitted from the phone *while a communication mode in which the phone controls a radio communication between the phone and the base station is set*. Thus, for substantially the same reasons set forth with respect to claim 5, claim 28 is patentably distinguishable from Metso.

Claim 34 is directed to a phone in a radio communication including, among other features, a transmitter configured to transmit status information of the phone to the data terminal, and a controller configured to cause the data terminal to display the transmitted status

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information when the radio communication system is operated in the *first mode in which the phone controls a radio communication between the phone and the base station*. For similar reasons described above, Metso lacks a teaching or suggestion of such a controller as recited in claim 34. Hence, claim 34 is patentably distinguishable from Metso.

New claims 38-41 are fully supported by the specification and allowable over the art of record.

### CONCLUSION

If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

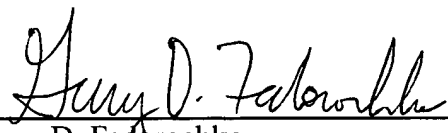
All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same.

Respectfully submitted,

BANNER & WITCOFF, LTD.

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By:

  
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